

## Mississippi Secretary of State

## ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME The Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton	TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE 08/27/15	Name or number of rule(s): 11 Miss. Admin. Code Part 1, Chapter 2 ("Mississippi Commission on Environmental Quality Regulations Regarding the Review and Reproduction of Public Records")		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This proposed rule is to amend the present regulations to clarify the Mississippi Commission on Environmental Quality's rules regarding Public Records, pursuant to Miss. Code Ann. § 25-61-1, et seq., the Mississippi Public Records Act.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Annotated § 49-2-9(1)(b) (Rev. 2012).

List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin. Code Part 1, Chapter 2 ("Mississippi Commission on Environmental Quality Regulations Regarding the Review and Reproduction of Public Records")

## ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: 10/14/15 Time: 5 p.m. Place: Mississippi Department of Environmental Quality, First Floor Hearing Room, 515 East Amite Street, Jackson, Mississippi 39201

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.



## ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Ted Lampton, Senior Attorney, MDEQ

Signature of person authorized to file rules: //s// Ted Lampton

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by _____	 Accepted for filing by <u>#21488</u> 	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN  
*Secretary of State*

## CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Department of Environmental Quality	CONTACT PERSON Ted Lampton, Senior Attorney		TELEPHONE NUMBER 601-961-5573
ADDRESS P.O. Box 2261	CITY Jackson	STATE Mississippi	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE 11 Miss. Admin. Code Part 1, Chapter 2 ("Mississippi Commission on Environmental Quality Regulations Regarding the Review and Reproduction of Public Records")		
Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Annotated § 49-2-9(1)(b) (Rev. 2012).	Reference to Rules repealed, amended or suspended by the Proposed Rule: 11 Miss. Admin. Code Pt. 1, Ch. 2.		

### A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

The purpose of the proposed amendment is to comprehensively clarify the Mississippi Commission on Environmental Quality, the Mississippi Department of Environmental Quality, and the Mississippi Environmental Quality Permit Board's (whom are all collectively referred to as "Agency" in this document) procedures on how members of the public can make public records requests of the Agency, and in turn, how the Agency handles or processes the request consistent with Miss. Code Ann. § 25-61-1 et seq. This proposed amendment will benefit the Agency and the public. This proposed amendment creates clear and specific rules regarding public records request, which will allow the Agency to be more efficient and consistent in processing public record requests. This proposed amendment will provide the public clearer guidelines on how to make a public request with the Agency.

2. Briefly describe the need for the proposed rule:

The proposed amendment is needed in order to provide clearer rules to the public and to the Agency on how the public can make records requests and the how the Agency processes public records requests. The purpose of the proposed amendment is to provide more consistency and efficiency in regards to public record requests.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The proposed amendments will have no effect on the public's health, safety, and welfare.



4. Estimated Cost of implementing proposed action:

a. To the agency

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

b. To other state or local government entities

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

c. Cost:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation:

This proposed amendment to the existing regulation will apply statewide.

b. Projected costs for small businesses to comply:

This proposed rule does not establish any additional required costs of those who make public records requests. Small businesses would have to comply with the procedures of this proposed rule if they wish to make a public records request of the Agency. The costs associated are the actual costs of processing the public request and the actual costs of copying records, whether paper or electronic copies. This is determined by the breadth of the request, the time it will take to process the request, and whether the requestors wish to make copies of the documents produced in response to the request. Actual costs of processing requests are permitted pursuant to Miss. Code Ann. § 25-61-1 et seq. This proposed rule does not establish any additional required costs of those who make public records requests. Any potential additional cost is based solely on their preference of copying methods; this cost is optional based on the requestor's preferences. And further, even without this amendment the costs attributable to those making public records requests would still be charged against those requestors pursuant to the Agency's current Rule and Miss. Code Ann. § 25-61-1 et seq.

c. Statement of probable effect on impacted small businesses:

There are no additional costs required by this proposed rule; therefore, there is no probable effect on small businesses.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than  
☒ the same as ☐ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than  
☒ the same as ☐ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than

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**B. Reasonable Alternative Methods**

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1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?  
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)  
N/A

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**C. Data and Methodology**

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1. Please briefly describe the data and methodology you used in making the estimates required by this form.  
Because there are no required additional costs proposed by this amendment, no data was available and no methodology was required.


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**D. Public Notice**

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1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

Any interested party may submit comments regarding the proposed amendments to 11 Miss. Admin Code Pt. 1, Ch. 2 by submitting the comments in writing to Ted Lampton, Senior Attorney, Mississippi Department of Environmental Quality. The mailing address is P.O. Box 2261, Jackson, Mississippi 39225-2261 or by email (Ted\_Lampton@deq.state.ms.us). In order to be considered, written comments should be delivered to MDEQ by 5p.m. on Wednesday, October 14, 2015. Members of the Public also may present verbal or written comments proposed amendments at the public hearing held on Wednesday, October 14, 2015 at 5 p.m. in the Commission Hearing Room situated on the first floor at MDEQ's office located at 515 E. Amite Street, Jackson, Mississippi.

SIGNATURE //s// 	TITLE Senior Attorney, Mississippi Department of Environmental Quality
DATE 08/27/15	PROPOSED EFFECTIVE DATE OF RULE 30 days after final filing